

EXHIBIT G

ORIGINAL

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANTHONY MANGANIELLO,
Plaintiff,

-against-

Index No.
07 Civ. 3644(HB)

THE CITY OF NEW YORK, DET. LUIS AGOSTINI,
individually and as a New York City Police
Detective, SHAWN ABATE, individually and as
a New York City Police Detective, DEREK PARKER,
individually and as a New York City Police
Detective, LT. HENRY SCOTT, individually and as a
New York City Police Lieutenant, P.O. ALEX PEREZ,
individually and as a New York City Police
Officer, P.O. MIRIAN NIEVES, individually and as
a New York City Police Officer, MICHAEL PHIPPS,
individually and as the Commanding Officer of
the 43rd Precinct, JOHN MCGOVERN, individually
and as a New York City Police Detective Sergeant,
ROBERT MARTINEZ, individually and as a New York
City Police Detective, GERYL MCCARTHY,
individually and as a New York City Police
Deputy Inspector,

Defendants.

-----X
December 19, 2007
1:20 p.m.

DEPOSITION of LIEUTENANT HARRY SCOTT



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1 few pages and give it to the detective that it --
2 the case that it pertains to. If it had personal
3 stuff in it, I would keep it or throw it away.

4 Q. Okay. And after you gave it to the
5 detective who it was assigned to, was it your
6 expectation that that would be placed in a case
7 folder?

8 MS. FROMMER: Objection. You can
9 answer.

10 A. Not just my expectation, it would be
11 departmental procedure that it would be put in
12 the folder.

13 Q. Okay. Now, what did you do when you
14 arrived at the scene of where Acosta had been
15 murdered?

16 A. Well, on the radio, I heard -- on
17 the police radio, I heard that there was a
18 dispute with a knife. And then shortly
19 thereafter, we heard -- I heard on the radio a
20 signal 10-13, which means that an officer is in
21 trouble. And I responded to the location with --
22 it was either Sergeant McGovern or Napolitano.
23 There may have been some other detectives in the
24 car. And I think that there was another car full

1 MS. FROMMER: You can answer.

2 A. I don't have knowledge if uniformed
3 patrol responded to that incident.

4 Q. Now, where were you when you
5 received a call of a 10-13?

6 MS. FROMMER: Objection.

7 A. I was in my office.

8 MS. FROMMER: You can answer. You
9 can answer.

10 A. I was in my office.

11 Q. Now, when you say 10-13, did respond
12 -- did -- well, to the best your recollection,
13 what exactly came over the radio?

14 A. I don't remember word for word, but
15 basically it was a report of a uniformed officer
16 in distress.

17 Q. Was there an indication that it was
18 a Parkchester security officer or an SPO special
19 patrol officer?

20 A. At first, no.

21 Q. okay. Was there a subsequent
22 response -- I'm sorry. Strike that.

23 Was there a subsequent transmission
24 indicating that it was a special patrol officer

1 A. Definitely.

2 Q. Okay. Are you aware that the
3 District Attorney's Office obtained an arrest
4 warrant in April of 2001 for the arrest of Mr.
5 Manganiello?

6 A. Yes.

7 Q. Did you play any role in personally
8 obtaining that warrant?

9 A. No.

10 Q. If a district attorney's office
11 obtain an arrest warrant, has the D.A.'s Office
12 made the decision that there's probable cause to
13 arrest?

14 A. Definitely.

15 Q. And would it be fair to say that if
16 the D.A.'s office obtained an arrest warrant,
17 that the D.A.'s office would evaluate the
18 evidence?

19 MR. JOSEPH: Objection. Well, I
20 can't tell him not to answer over
21 objection.

22 A. Yes, especially in the Bronx.

23 Q. And would it be fair to say that if
24 the Direct Attorney's Office obtains an arrest

LIEUTENANT HARRY SCOTT

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1 warrant, that the District Attorney Office has 1
2 evaluated the credibility of witnesses? 2

3 A. Yes. 3

4 Q. Did you fabricate any statements or 4
5 evidence in the case against Mr. Manganiello? 5

6 A. No. 6

7 Q. Did you withhold any information
8 from the District Attorney's Office about Mr.
9 Manganiello?

10 A. No. 1

11 Q. Did you falsify any information 1
12 about the homicide investigation? 1

13 A. Definitely not. 1

14 Q. Did you coerce any witness to 1
15 testify against Mr. Manganiello? 1

16 A. No. 1

17 Q. Did you coerce any witness to make a
18 statement in connection with the homicide
19 investigation?

20 A. No.

21 Q. Did you threaten any witness to
22 testify again Mr. Manganiello?

23 A. No.

24 Q. Did you threaten any witness to make



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has 1 a statement as concerning the homicide
2 investigation?

3 A. No.

4 Q. And you testified that you did not
5 testify at the grand jury; is that correct?

6 A. Correct, I did not.

7 MS. FROMMER: Okay. I have nothing
8 further.

9

10 FURTHER EXAMINATION BY

11 MR. JOSEPH:

12 Q. Sir, on February 12th, 2001, did you
13 have a radio that -- on which you can hear what
14 the Parkchester security was broadcasting?

15 A. If they have a P.D. -- if they have
16 one of our radios, yeah, I could monitor it.

17 Q. Well, was there also a radio system
18 among the security officers at Parkchester?

19 A. Yes.

20 Q. Did you have one of those radios?

21 A. No.

22 Q. Did you have any ability to monitor
23 what those Parkchester security officers were
24 saying back and forth?

LIEUTENANT HARRY SCOTT

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C E R T I F I C A T I O N

STATE OF NEW YORK)

) ss.

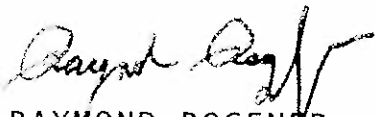
COUNTY OF PUTNAM)

I, RAYMOND ROGENER, JR., Court
Reporter and Notary Public within and for the
County of Putnam, State of New York, do hereby
certify:

That I reported the proceedings that
are hereinbefore set forth, and that such
transcript is a true and accurate record of said
proceedings.

AND, I further certify that I am not
related to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand.


RAYMOND ROGENER, JR.

Court Reporter



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EXHIBIT H

ORIGINAL

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

ANTHONY MANGANIELLO,

Plaintiff,

-against-

CASE No:

07-CV-3644

THE CITY OF NEW YORK, et al.

Defendants.

- - - - -X

March 13, 2007

11:15 a.m.

DEPOSITION of MIRIAM NIEVES, a witness on
behalf of the NEW YORK CITY POLICE DEPARTMENT,
a Defendant herein, taken pursuant to Court
Order, and held at the Offices of New York
Corporation Counsel, 100 Church Street, New
York, New York, before Mary T. Slavik, RPR, a
Certified Court Reporter and Notary Public of
the State of New York.



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MIRIAM NIEVES

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1 A. No.

2 Q. Did you keep a memo book?

3 A. Then, yes.

4 Q. What happened to the memo book
5 that you kept on February 12, 2001?

6 MS. SELIGMAN-WEISS: Object to the
7 form.

8 Only if you know.

9 A. No clue.

10 Q. When did you last see the memo
11 book that you had on February 12, 2001?

12 A. When I went to court.

13 Q. And can you tell me on February
14 12, 2001, what was the nature of the call
15 that you responded to?

16 A. I believe it was officer down,
17 1013.

18 Q. Are those the words that came over
19 the radio to the best of your recollection?

20 A. To the best of my recollection,
21 yes.

22 Q. Do you have a recollection of the
23 call coming over, a security guard down?

24 A. No.

MIRIAM NIEVES

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1 A. I can't recall exactly who.

2 Q. Was there a Sergeant Ohle there
3 from the Parkchester security police
4 department?

5 A. I don't remember.

6 MS. SELIGMAN-WEISS: What was that
7 name?

8 Q. O-h-l-e.

9 Were there other Parkchester
10 security officers present when you first
11 arrived?

12 A. I don't remember.

13 Q. Are you aware if the Parkchester
14 security police department was one of the
15 individuals who made the call to the 911
16 dispatch?

17 MS. SELIGMAN-WEISS: Object to the
18 form.

19 A. No.

20 Q. Between the time you arrived --
21 strike that.

22 Between the time you received the
23 call and the 1013, and the time you arrived
24 at the scene, were there other radio

1 dispatches concerning this incident?

2 MS. SELIGMAN-WEISS: Object to the
3 form.

4 A. Not that I remember.

5 Q. Are you aware if there were any
6 radio dispatches which indicated that there
7 was a Parkchester security officer that was
8 in fact down?

9 MS. SELIGMAN-WEISS: Same
10 objection.

11 A. Say that again?

12 Q. From the time you received the
13 first call, the 1013, and the time you
14 arrived at the scene, were there any other
15 radio dispatches that identified the
16 officer as a Parkchester security guard?

17 A. Not that I heard.

18 MS. SELIGMAN-WEISS: Note my
19 objection, please.

20 Q. Did you testify in the -- strike
21 that.

22 What did you do next after you
23 arrived at the scene?

24 A. We were there a few minutes and



MIRIAM NIEVES

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1 objection.

2 A. That that's what the report said?

3 Q. No. Did you testify that the
4 radio transmission in fact mentioned the
5 possibility that it was a Parkchester
6 security officer that had been shot?

7 MS. SELIGMAN-WEISS: Object to the
8 form.

9 A. I don't remember hearing that;
10 therefore, I couldn't testify to it.

11 Q. Take a look at page 174.

12 A. If I read it and that's what the
13 paper said, maybe.

14 Q. Well, why don't you read the last
15 question and answer.

16 MS. SELIGMAN-WEISS: Do you have
17 copies of this?

18 MR. JOSEPH: It's been provided.

19 MS. SELIGMAN-WEISS: Well, do you
20 want to mark it?

21 MR. JOSEPH: I'm just asking her
22 to read it.

23 MS. SELIGMAN-WEISS: It's an
24 exhibit.

C E R T I F I C A T I O N

STATE OF NEW YORK)

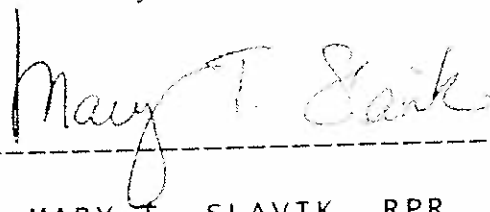
COUNTY OF WESTCHESTER)

I, MARY T. SLAVIK, RPR, Court
Reporter and Notary Public within and
for the County of Westchester, State
of New York, do hereby certify:

That I reported the proceedings
that are hereinbefore set forth, and
that such transcript is a true and
accurate record of said proceedings.

AND, I further certify that I am
not related to any of the parties to
this action by blood or marriage, and
that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand.



MARY T. SLAVIK, RPR

